



Rev 8/9/03

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Donald K. Mitchell  
Application No. : 10/614,535  
Filed : July 7, 2003  
For : MULTI-TRACK OPTICAL ENCODER EMPLOYING BEAM  
DIVIDER  
Attorney's Docket : MICRE-012XX

TC Art Unit:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Oct. 7, 2003.

By: James F. Thompson  
James F. Thompson  
Registration No. 36,699  
Attorney for Applicant(s)

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is desired to cite for the record in this application the enclosed references listed on the attached copy of PTO Form #1449. The paragraph(s) marked below are applicable to this Information Disclosure Statement.

[X] (1) Pursuant to 37 C.F.R. § 1.97(b)(1) and (2), the attached Information Disclosure Statement is being filed within three months of the filing date of the above identified national application or within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 of the above identified application. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.

[X] (2) Pursuant to 37 C.F.R. § 1.97(b)(3), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action on the merits. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.

[ ] (3) Pursuant to 37 C.F.R. § 1.97(b)(4), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.

[ ] (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:

[ ] a statement under 37 CFR § 1.97(e); or

[ ] the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

[ ] (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petitions the Commissioner to consider the attached Information Disclosure Statement which is being filed on or before payment of the issue fee. This petition is accompanied by a statement under 37 C.F.R. § 1.97(e) and the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT UNDER 37 C.F.R. § 1.97(e)(1)

[ ] (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

STATEMENT UNDER 37 C.F.R. § 1.97(e)(2)

[ ] (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the attached Information Disclosure Statement was known to any individual designated in 37 C.F.R. §

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1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-0804. Triplicate copies of this letter are enclosed.

Respectfully submitted,

DONALD K. MITCHELL

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Date: October 7, 2003

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U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE <small>(REV. 05/03)</small>				ATTY. DOCKET NO. MICRE-012XX	APPLICATION NO. 10/614,535		
INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>				APPLICANT: Donald K. Mitchell			
				FILING DATE July 7, 2003	TC ART UNIT		
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL		DOCUMENT NUMBER	PUBLICATION/ ISSUE DATE	NAME	CLASS	SUBCLASS	FILING DATE
		US 6,366,047	04/02/2002	Horwitz et al.	318	602	
		US 5,646,730	07/08/1997	Mitchell et al	356	356	
		US 5,559,600	09/24/1996	Mitchell	318	356	
		US 5,991,249	11/23/1999	Lee	369	44.42	
		US 5,909,283	06/01/1999	Eselun	356	356	
		US 5,671,052	09/23/1997	Kawakubo et al	357	373	
		US 5,995,229	11/30/1999	Omi	356	374	
<b>FOREIGN PATENT DOCUMENTS</b>							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES      NO
<b>OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)</b>							
EXAMINER			DATE CONSIDERED				
<b>*EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

This IDS is being filed subject to waiver of the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003. Hence U.S. patent art is cited herewith but copies of same are not enclosed.